

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Conf. No. 6256

ANDERSON et al.

Group Art Unit: 1644

Appln. No.: 09/874,141

Examiner: Phillip Gambel

Filed: June 6, 2001

Title: NON-AGONISTIC ANTIBODIES TO HUMAN gp39, COMPOSITIONS  
CONTAINING AND THERAPEUTIC USE THEREOF

April 12, 2005

\* \* \* \* \*

**DECLARATION OF BIOLOGICAL DEPOSIT  
IN COMPLIANCE WITH THE BUDAPEST TREATY**Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Thomas A. Cawley, Jr., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Biogen Idec, Inc., the successor of the assignee of the application.

2. Biogen Idec, Inc. is the successor of IDEC Pharmaceuticals Corporation, the assignee of the above-identified patent application as evidenced by an assignment from the inventors that was recorded in the U.S. Patent and Trademark Office on November 26, 2001, at Reel No. 012320, Frame No. 0685.

3. The following hybridoma cell line, described in the specification of the above-identified application, was deposited with the American Type Culture Collection (ATCC),

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U.S. Application No. 09/874,141  
Declaration of deposit dated April 12, 2005  
In Reply to the official action of January 12, 2005  
Attorney Ref. No. 037003 - 0280632

currently located at 10801 University Boulevard, Manassas, VA 20110-2209, under the terms of the Budapest Treaty:

Mouse hybridoma IgG1 anti-human CD40 Ligand (gp39), 24-31, having ATCC designation HB 11712, deposited on September 2, 1994.

4. The ATCC is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PILLSBURY WINTHROP SHAW PITTMAN, LLP

Date: April 12, 2005

By



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